IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 4968/2001

SHRI GOVIND PRAKASH VYAS Vs. STATE OF RAJASTHAN & ORS.

DATE: 22.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Shailesh Prakash Sharma for the petitioner.
Mr. Prashant Sharma for
Mr. Alok Sharma for the respondents.

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This writ petition has been preferred by the petitioner seeking following reliefs:-

> (i) to direct the Nagar Nigam Kota to approve the site plan which was already produced by the petitioner.
>
> (ii) to restrain the respondents from making sort of construction over the land in question and not to dispossess the petitioner from land in question and it is further prayed not to restrain respondent from legal construction on his land which marked in annexure-1.
>
> (iii) to direct the respondents not to interfere in peaceful use, enjoyment and possession of the said land in question by the petitioner and not to deprive them of it, without due process of law.

(iv) any other relief which this Hon'ble Court deems just and proper in the facts and circumstances of the case.

So far as the relief restraining the respondents from making sort of construction over the land in question and not to dispossess the petitioner from the land in question is concerned, the same involves several disputed questions of facts and the petitioner has got alternative efficacious remedy by way of filing civil suit, but in any case, while exercising power under Article 226 of the Constitution of India, such writ petition is not maintainable involving several disputed questions of facts.

Consequently, the writ petition fails and the same is hereby dismissed.

The stay application also stands rejected.

(K.S. RATHORE),J.

/KKC/